

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Application Division  
 Rene De Clerk ) Washington. D.C.  
 Serial No.: 10/590,824 )  
 Filing Date: February 25, 2005 ) Confirmation No. 1159  
 For: METHOD AND MARKER ELEMENT... ) Date: May 15, 2007

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC 371

U.S. Patent and Trademark Office  
 Customer Service Window  
 Randolph Building, Mail Stop Missing Parts  
 401 Dulany Street  
 Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTIFICATION OF INSUFFICIENT FEES UNDER 35 USC 371" dated March 15, 2007.

[XX] Search Fee [XX] \$200.00 (Small Entity) [ ] \$400.00 (Large Entity)  
 [XX] Examination Fee [XX] \$100.00 (Small Entity) [ ] \$200.00 (Large Entity)  
 [XX] Multiple dependent Claim Fee [XX] \$180.00 (Small Entity)  
 [XX] Applicant claims small entity status. See 37 CFR 1.27.  
 [XX] Late Search and Examination fee  
 [XX] Application Data Sheet  
 [XX] An Information Disclosure Statement with 08A-B and 1 references  
 [XX] **Total Fees: \$545.00**  
 [ ] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a).

The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:

Small Entity Response Filed Within	Other Than Small Entity Response Filed Within
[ ] First - \$ 60.00	[ ] First - \$ 120.00
[ ] Second - \$ 225.00	[ ] Second - \$ 450.00
[ ] Third - \$ 510.00	[ ] Third - \$1,020.00
[ ] Fourth - \$ 795.00	[ ] Fourth - \$1,590.00
[ ] Fifth - \$1,080.00	[ ] Fifth - \$2,160.00
Month After Time Period Set	Month After Time Period Set

[XX] Conditional Petition for Extension of Time:

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[XX] Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$545.00 is enclosed to cover the above fees.

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

05/16/2007 MKAYPAGH 00000131 10590824

01 FC:2617	65.00 OP
02 FC:2616	180.00 OP
03 FC:2633	100.00 OP
04 FC:2642	200.00 OP

BROWDY AND NEIMARK, P.L.L.C.  
 Attorneys for Applicant(s)

By: 

Jay M. Finkelstein  
 Registration No. 21,082

JMF:dac

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

G:\BN\C\call\DECLERK3\pto\2007-04-10transmittal



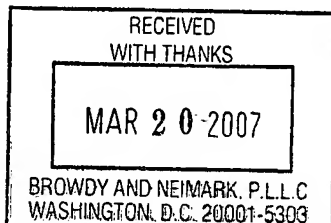
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

CALL

U.S. APPLICATION NUMBER NO. 10/590,824	FIRST NAMED APPLICANT Rene De Clerk	ATTY. DOCKET NO. DE CLERCK 3
---	--	---------------------------------

1444  
BROWDY AND NEIMARK, P.L.L.C.  
624 NINTH STREET, NW  
SUITE 300  
WASHINGTON, DC 20001-5303



INTERNATIONAL APPLICATION NO. PCT/IB05/50694	
I.A. FILING DATE 02/25/2005	PRIORITY DATE 02/25/2004

CONFIRMATION NO. 1159  
371 FORMALITIES LETTER



Date Mailed: 03/15/2007

### Notification of Insufficient Fees (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 08/25/2006
- Copy of the International Search Report filed on 08/25/2006
- Oath or Declaration filed on 08/25/2006
- Request for Immediate Examination filed on 08/25/2006
- U.S. Basic National Fees filed on 08/25/2006
- Priority Documents filed on 08/25/2006
- Specification filed on 08/25/2006
- Claims filed on 08/25/2006
- Abstracts filed on 08/25/2006
- Drawings filed on 08/25/2006

USP/HOS = 15 MY 2007

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$180 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$545 for a Small Entity:

- **\$65 Surcharge.**
  - The application search fee has not been paid. Applicant must submit **\$200** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
  - The application examination fee has not been paid. Applicant must submit **\$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- Total additional claim fee(s) for this application is **\$ 180**
  - **\$180** for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/590,824	PCT/IB05/50694	DE CLERCK 3